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**TERMINAL DISCLAIMER TO OBIATE A DOUBLE PATENTING
REJECTION OVER A "PRIOR" PATENT**Docket Number (Optional)
AUS000057US1

In re Application of: Edmark et al.

Application No.: 09/612,350

Filed: July 6, 2000

For: Method and System for Tracing Profiling Information Using Per Thread Metric Variables with Reused Kernel Threads

The owner*, International Business Machines Corporation, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term **prior patent** No. 6,904,594 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said **prior patent** is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the **prior patent** are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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is found invalid by a court of competent jurisdiction;
is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
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2. ☒ The undersigned is an attorney or agent of record. Reg. No. 48504

/Theodore D. Fay III/
Signature

July 6, 2007
Date

Theodore D. Fay III
Typed or printed name

972-385-8777
Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

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